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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT PAPER NUMBER

2655

DATE MAILED: 05/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/912,446

Applicant(s)

NEUBERGER, MARC

Examiner

Michael N. Opsasnick

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-24 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 26 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/26/01.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because the labels “Fig. 5”, “Fig. 6” are handwritten. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because:
- a) There is no brief description of Figure 6 in the "Brief Description of the Drawings".
 - b) There is no description/discussion to Figure 5 or Figure 6 in the "Description of the Preferred Embodiments".

Correction is required. Listed below for applicant's convenience are guidelines for the content of the specification.

Content of Specification

- (a) Title of the Invention: See 37 CFR 1.72(a) and MPEP § 606. The title of the invention should be placed at the top of the first page of the specification unless the title is provided in an application data sheet. The title of the invention should be brief but technically accurate and descriptive, preferably from two to seven words may not contain more than 500 characters.
- (b) Cross-References to Related Applications: See 37 CFR 1.78 and MPEP § 201.11.
- (c) Statement Regarding Federally Sponsored Research and Development: See MPEP § 310.
- (d) The Names Of The Parties To A Joint Research Agreement: See 37 CFR 1.71(g).
- (e) Incorporation-By-Reference Of Material Submitted On a Compact Disc: The specification is required to include an incorporation-by-reference of electronic documents that are to become part of the permanent United States Patent and Trademark Office records in the file of a patent application. See 37 CFR 1.52(e) and MPEP § 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text were permitted as electronic documents on compact discs beginning on September 8, 2000.

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Or alternatively, Reference to a "Microfiche Appendix": See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.

- (f) Background of the Invention: See MPEP § 608.01(c). The specification should set forth the Background of the Invention in two parts:
 - (1) Field of the Invention: A statement of the field of art to which the invention pertains. This statement may include a paraphrasing of the applicable U.S. patent classification definitions of the subject matter of the claimed invention. This item may also be titled "Technical Field."
 - (2) Description of the Related Art including information disclosed under 37 CFR 1.97 and 37 CFR 1.98: A description of the related art known to the applicant and including, if applicable, references to specific related art and problems involved in the prior art which are solved by the applicant's invention. This item may also be titled "Background Art."
- (g) Brief Summary of the Invention: See MPEP § 608.01(d). A brief summary or general statement of the invention as set forth in 37 CFR 1.73. The summary is separate and distinct from the abstract and is directed toward the invention rather than the disclosure as a whole. The summary may point out the advantages of the invention or how it solves problems previously existent in the prior art (and preferably indicated in the Background of the Invention). In chemical cases it should point out in general terms the utility of the invention. If possible, the nature and gist of the invention or the inventive concept should be set forth. Objects of the invention should be treated briefly and only to the extent that they contribute to an understanding of the invention.
- (h) Brief Description of the Several Views of the Drawing(s): See MPEP § 608.01(f). A reference to and brief description of the drawing(s) as set forth in 37 CFR 1.74.
- (i) Detailed Description of the Invention: See MPEP § 608.01(g). A description of the preferred embodiment(s) of the invention as required in 37 CFR 1.71. The description should be as short and specific as is necessary to describe the invention adequately and accurately. Where elements or groups of elements, compounds, and processes, which are conventional and generally widely known in the field of the invention described and their exact nature or type is not necessary for an understanding and use of the invention by a person skilled in the art, they should not be described in detail. However, where particularly complicated subject matter is involved or where the elements, compounds, or processes may not be commonly or widely known in the field, the specification should refer to another patent or readily available publication which adequately describes the subject matter.

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- (j) Claim or Claims: See 37 CFR 1.75 and MPEP § 608.01(m). The claim or claims must commence on separate sheet or electronic page (37 CFR 1.52(b)(3)). Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. There may be plural indentations to further segregate subcombinations or related steps. See 37 CFR 1.75 and MPEP § 608.01(i)-(p).
- (k) Abstract of the Disclosure: See MPEP § 608.01(f). A brief narrative of the disclosure as a whole in a single paragraph of 150 words or less commencing on a separate sheet following the claims. In an international application which has entered the national stage (37 CFR 1.491(b)), the applicant need not submit an abstract commencing on a separate sheet if an abstract was published with the international application under PCT Article 21. The abstract that appears on the cover page of the pamphlet published by the International Bureau (IB) of the World Intellectual Property Organization (WIPO) is the abstract that will be used by the USPTO. See MPEP § 1893.03(e).
- (l) Sequence Listing: See 37 CFR 1.821-1.825 and MPEP §§ 2421-2431. The requirement for a sequence listing applies to all sequences disclosed in a given application, whether the sequences are claimed or not. See MPEP § 2421.02.

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

“A Method and System Using Call Control Protocols to Augment Speech Grammars in a Distributed Voice Browsing Environment”

4. The abstract of the disclosure is objected to because the abstract should clearly point out the technical disclosure of the improvement over the prior systems (i.e., the call control between the portal and the remote application systems). Correction is required. See MPEP § 608.01(b).

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Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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6. Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Ladd et al (6269336).

As per claim 1, Ladd et al (6269336) teaches:

“a method of operating a speech recognition system, comprising:” as the electronic network (fig. 3) containing voice/speech recognition capabilities (Fig. 3, subblocks 232,234);

“augmenting the speech recognition system with an augmenting grammar set supplied by a portal” as the electronic network (synonymous with the term “portal” – portal is defined as a central starting point for users to access a wide variety of applications – see applicant’s specification, under discussion of the related art) supplies the grammar as dictated by the user to upgrade the grammar set (col. 4 lines 32-35; col. 4 line 62 – col. 5 line 19);

“and notifying the portal in response to an input which corresponds to the augmenting grammar set” as communication node (Fig. 3, subblock 212) notifying the electronic network (portal) via the VRU server that recognition is performed (col. 8 lines 55-65).

As per claim 2, Ladd et al (6269336) teaches:

“ the speech recognition system resides at an application server remote from the portal” as VRU server can be configured to be separated from the electronic network – as a stand alone system into a LAN – col. 9 lines 1-10).

As per claim 3, Ladd et al (6269336) teaches:

“transferring control of a call back to the portal after notifying the portal that the input corresponds to the augmenting grammar set” as transferring control back to the voice browser (col. 14 lines 29-35).

As per claim 4, Ladd et al (6269336) teaches:

“transferring a call to another application server which corresponds to the input” as transferring call control to a different (and appropriate server); (col. 8 lines 35-45 – Ladd’s call control transfers the call’s according to input (either pages or message) and routes items either thru a paging network or email network).

As per claim 5, Ladd et al (6269336) teaches:

“directing the remote application server to perform one of a fixed set of pre-determined actions on behalf of the portal in response to a predetermined input” as application server (Fig. 3, subblock 242) instructing the VRU server to perform basic recognized functions such as automatic speech recognition (ASR’s), text to speech (TTS), etc., (col. 9 lines 1-10).

As per claim 6, Ladd et al (6269336) teaches:

“directing the remote application server to perform an arbitrary routine on behalf of the portal in response to a predetermined input” as the application server is configured

to allow the communication node to access information (col. 10 lines 61-66), and based on the information from the communication nodes, the application server redirects the information to a VRU server, and allows the VRU server decide what type of speech processing to perform (col. 11 lines 1-10).

As per claim 7, Ladd et al (6269336) teaches:

“directing the portal to perform an action in response to a predetermined input” as electronic network (portal) to access the VRU server when necessary (col. 10 line 67 – col. 11 line 11).

As per claim 8, Ladd et al (6269336) teaches a system comprising:

“a portal and an application server having a speech recognizer to receive an augmenting grammar set transmitted from the portal” as the electronic network (synonymous with the term “portal” – portal is defined as a central starting point for users to access a wide variety of applications – see applicant’s specification, under discussion of the related art) supplies the grammar as dictated by the user to upgrade the grammar set (col. 4 lines 32-35; col. 4 line 62 – col. 5 line 19).

“wherein the application server notifies the portal in response to an input which corresponds to the augmenting grammar set” as communication node (Fig. 3, subblock 212) notifying the electronic network (portal) via the VRU server that recognition is performed (col. 8 lines 55-65).

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As per claim 9, Ladd et al (6269336) teaches:

“a voice gateway to connect a call to the portal” as voice gateway (PSTN, carrier switch, Fig. 3, subblock 210).

As per claim 10, Ladd et al (6269336) teaches:

“that when a caller requests access to the application server, the voice gateway connects the call to the application server and breaks the connection between the call and the portal” as the electronic network (portal) contains a two choice path, a first path for recognized subscribers (col. 6 lines 37-50) and a second path for non-subscribers or non-recognized subscribers (col. 6 lines 50-65). When it is established that the user is recognized, the first path is chosen, the caller is in direct contact with the application server within the communication node (col. 6 lines 45-50, and the user is not connected directly (i.e., bypasses) to the part of the electronic network (portal) that perform personnel identification, speech command, or etc. the second path, for non-subscribers, maintains the connection between the portion of the portal that perform user identification, and if the identification is unsuccessful, the user is routed to a customer service representative (col. 6 lines 62-64).

As per claim 11, Ladd et al (6269336) teaches:

“the portal includes a speech recognizer” as VRU server/client (Fig. 3, subblock 234).

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As per claim 12, Ladd et al (6269336) teaches:

“the response to an input being recognized as corresponding to the augmenting grammar set, control of the call is transferred from the application server to the portal” as transferring control back to the voice browser (col. 14 lines 29-35).

As per claim 13, Ladd et al (6269336) teaches:

“the call being transferred to another application server in response to recognizing a predetermined input as corresponding to the augmenting grammar set” as transferring call control to a different (and appropriate server); (col. 8 lines 35-45 – Ladd’s call control transfers the call’s according to input (either pages or message) and routes items either thru a paging network or email network).

As per claim 14, Ladd et al (6269336) teaches:

“the application server performs one of a fixed set of pre-determined actions on behalf of the portal in response to a predetermined input which is recognized as corresponding to the augmenting grammar set” as application server (Fig. 3, subblock 242) instructing the VRU server to perform basic recognized functions such as automatic speech recognition (ASR’s), text to speech (TTS), etc., (col. 9 lines 1-10).

As per claim 15, Ladd et al (6269336) teaches:

“the application server performs an arbitrary routine on behalf of the portal in response to a predetermined input which is recognized as corresponding to the

augmenting grammar set” as the application server is configured to allow the communication node to access information (col. 10 lines 61-66), and based on the information from the communication nodes, the application server redirects the information to a VRU server, and allows the VRU server decide what type of speech processing to perform (col. 11 lines 1-10).

As per claim 16, Ladd et al (6269336) teaches:

“the portal performs a predetermined action corresponding to an input which is recognized as corresponding to the augmenting grammar set” as electronic network (portal) to access the VRU server when necessary (col. 10 line 67 – col. 11 line 11).

As per claim 17, Ladd et al (6269336) teaches a method comprising:

“connecting a call to a portal” as voice gateway (PSTN, carrier switch, Fig. 3, subblock 210);

“requesting services of a remote application server via the call” as after entering a dialogue with the user, the user can choose from a variety of information (col. 6 lines 44-50). Wherein the communication node (212) is remotely located (col. 7 lines 24-32);

“transmitting an augmenting grammar set from the portal to the remote application server” as VRU client sends the user grammar information to the VRU server, which accesses the remote database 244 containing speech information (col. 8 lines 55-61);

“connecting the call to the remote application server” as LAN connects and routes the speech results to the call control unit, application server, and voice browser (col. 8 lines 63-65);

“breaking the connection between the call and the portal” as communication server 212 perform the functions of the output signal(col. 8 lines 63-67), wherein the electronic network (portal) contains a two choice path, a first path for recognized subscribers (col. 6 lines 37-50) and a second path for non-subscribers or non-recognized subscribers (col. 6 lines 50-65). When it is established that the user is recognized, the first path is chosen, the caller is in direct contact with the application server within the communication node (col. 6 lines 45-50), and the user is not connected directly (i.e., bypasses) to the part of the electronic network (portal) that performs personnel identification, speech command, or etc. The second path, for non-subscribers, maintains the connection between the portion of the portal that perform user identification, and if the identification is unsuccessful, the user is routed to a customer service representative (col. 6 lines 62-64).

“notifying the portal when an input during the call corresponds to the augmenting grammar set” as notification to the portal that the user has been verified and that the caller is in direct contact with the application server within the communication node (col. 6 lines 44-50).

As per claim 18, Ladd et al (6269336) teaches:

“reconnecting the call to the portal in response to recognizing a predetermined input as corresponding to the augmenting grammar set” as allowing the caller to have access to the electronic network (portal) after the recognition has been performed (col. 6 lines 55-60). Ladd’s recognition routine access a grammar set in the voice recognition process (col. 8 lines 55-67).

As per claim 19, Ladd et al (6269336) teaches:

“performing a predetermined action in response to an input which is recognized as belonging to the augmenting grammar set” as performing a dialogue with a recognized user (col. 6 lines 25-49).

As per claim 20, Ladd et al (6269336) teaches:

“a system for operating a speech recognition system, comprising” as the electronic network (fig. 3) containing voice/speech recognition capabilities (Fig. 3, subblocks 232,234).

“means for augmenting the speech recognition system with an augmenting grammar set supplied by a portal” as the electronic network (synonymous with the term “portal” – portal is defined as a central starting point for users to access a wide variety of applications – see applicant’s specification, under discussion of the related art) supplies the grammar as dictated by the user to upgrade the grammar set (col. 4 lines 32-35; col. 4 line 62 – col. 5 line 19).

“means for notifying the portal in response to an input which corresponds to the

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augmenting grammar set” as communication node (Fig. 3, subblock 212) notifying the electronic network (portal) via the VRU server that recognition is performed (col. 8 lines 55-65).

As per claims 21-24, Ladd et al (6269336) teaches the input corresponding to at least one DTMF tone (col. 2 lines 56-61) as well as spoken utterances (col. 4 lines 33-38).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Doddington et al (5222187) teaches a speech system recognizer using grammar rules.

Kuhn et al (6119087) teaches speech recognized voice call distribution over a network.

Stucka (5596702) teaches downloadable user interfaces with application programs.

Galler (5991720) teaches multiple grammar networks.

Levin et al (6173279) teaches a networked natural language recognition system.

Besling et al (6363348) teaches a networked server station with multiple speech models.

Cooper et al (6466654) teaches a voice user interface accessing the internet.

Ladd et al (6493671,6493673) teaches speech accessible markup language docs.

Howard et al (6513006) teaches a user feedback based natural language recognition.

Lieberman (6516349) teaches a content provider via web portals.

Bryan et al (6658414) teaches speech and grammar based recognizers via voice portals.

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Denenberg et al (6724864) teaches voice prompts to a user accessing audio information.

Aronovitz (6738470) teaches distributed gateways in a telephone communication system.

Maes (6801604) teaches voice processing platforms and networks/gateways.

Partovi et al (6807574,6842767) teaches personalizing content information.

Frost ("Speechnet: A Network..."; WECWIS) teaches networked speech accessible objects.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II,

2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Mr. David Ometz, can be reached at (571)272-7593. The facsimile phone number for this group is (571)272-7629.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571)272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno

5/12/05



Michael N. Opsasnick
Examiner
Art Unit 2655